

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE  
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

ITEM #2      90-Day Transition Plan, Youth Policy

The California Department of Social Services (hereafter the Department) hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held on December 12, 2018, at the following address:

Office Building # 8  
744 P St. Room 103  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only if attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the receipt of testimonies. The above-referenced facility is accessible to persons with disabilities. If you need a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on December 12, 2018.

Following the public hearing, the Department may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. Except for nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at [CDSS Public Hearings for Proposed Regulations \(http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information\)](http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information). Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will also be available at the following address:

CONTACT: California Department of Social Services  
Office of Regulations Development  
744 P. Street, MS 8-4-192  
Sacramento, CA 95814  
Tel: (916) 657-2856, Fax: (916) 654-3286  
Email: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

## CHAPTERS 31-200

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing regulations governing the Transitional Independent Living Plan (TILP) require that transition planning services be provided to youth and nonminor dependents in the foster care system. To comply with Public Law (P.L.) 110-351, the Federal Fostering Connections to Success and Increasing Adoptions Act, Senate Bill (SB) 597 (Chapter 339, Statutes of 2009) added an additional transition planning requirement (Welfare and Institutions Code (WIC) section 16501.1(f)(16)(B), now re-numbered as 16501.1(g)(16)(B)): a transition plan that is developed within 90 days of the youth's planned exit from foster care at age 18 or older.

Assembly Bill (AB) 212 (Chapter 459, Statutes of 2011) mandated that the 90-day transition plan include information about advanced health care directive forms (WIC section 16501.1(f)(16)(B), now re-numbered as 16501.1(g)(16)(B)).

AB 1067 (Chapter 851, Statutes of 2016) mandated that the information in the 90-day transition plan regarding health insurance include verification that the eligible youth or nonminor dependent is enrolled in Medi-Cal and a description of the steps that have been or will be taken by the assigned social worker or probation officer to ensure that the youth or nonminor dependent is successfully transitioned into the Medi-Cal program for former foster youth upon exit from foster care.

The objective of these regulations is to be in compliance with the following legislation:

- SB 597 (Chapter 339, Statutes of 2009), which requires social workers/probation officers to develop with youth a plan for their transition to independence within 90 days of their planned exit from foster care.
- AB 212 (Chapter 459, Statutes of 2011) which requires that the 90-day Transition Plan include information on establishing a power of attorney for health care decisions and advance health care directive forms.
- AB 1067 (Chapter 851, Statutes of 2016) which added a requirement that the information on health care insurance in the 90-day Transition Plan includes verification of current Medi-Cal enrollment and a description of the steps taken/to be taken to ensure the youth is successfully enrolled in the Medi-Cal program for former foster youth upon exit from foster care.

### **Benefits:**

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows: the proposed regulations will provide a benefit to the health and welfare of California residents but only for foster youth emancipating from the foster care system. The regulations will provide these foster youths with a transition plan for independence to help them succeed in living independently; provides information to foster youth regarding the important option of having someone else make health care decisions for them in the event they are unable to and how to accomplish this through an advance health care directive; and ensures that foster youth exiting the foster care system have health insurance until age 26. Worker safety is not affected by this regulatory action. The state's environment is not affected by this regulatory action.

The following documents were relied upon in proposing the regulatory action: SB 597 (Chapter 339, Statutes of 2009), AB 212 (Chapter 459, Statutes of 2011) and AB 1067 (Chapter 851, Statutes of 2016), All County Letter (ACL) 09-87, ACL 10-45, Administration of Children, Youth and Families-Children's Bureau-Program Instruction (ACYF-CB-PI) 10-11, Section C, P.L. 110-351, and P.L. 111-148.

**Consistency:**

The CDSS has found these regulation amendments neither inconsistent or incompatible with existing regulations because research was done by program to determine that these are non-duplicating and non-repetitive regulations, and that they do not negate or overlap other existing regulation or law. Further, these regulations comply with and are consistent with federal law. There are no existing regulations regarding 90-day transition plans.

**Incorporation by Reference:**

This regulatory action does not incorporate documents by reference.

**COST ESTIMATE**

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500 - 17630: None
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: None

**LOCAL MANDATE STATEMENT**

These regulations do not impose a new mandate upon local agencies, or any mandate on school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the Government Code.

**STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS**

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made because the proposed regulations are only applicable to county child welfare agencies and probation departments and are mandated by the State of California.

**STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES**  
The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**SMALL BUSINESS IMPACT STATEMENT**

The CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

**STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT**

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows: these regulations will require that case workers assist foster youth who are getting ready to exit the foster care system to develop a sustainable plan to live independently.

**STATEMENT OF EFFECT ON HOUSING COSTS**

The proposed regulatory action will have no effect on housing costs.

**STATEMENT OF ALTERNATIVES CONSIDERED**

In developing the regulatory action, CDSS considered the following alternatives with the following results: No alternatives have been presented for consideration.

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

**AUTHORITY AND REFERENCE CITATIONS**

Sections 10553, 10554 and 16501.1, Welfare and Institutions Code.

**DEPARTMENT REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION**

Contact Person:	Kenneth Jennings	(916) 657-2586
Backup:	Sylvester Okeke	(916) 657-2586